

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

| | | |
|--------------------|---|------------------------------|
| IN RE: |) | CASE # 1:12-bk-11665 |
| |) | |
| Janet Ann McCarthy |) | |
| |) | Chapter 7 |
| |) | |
| |) | |
| Debtor |) | Hon. Beth A. Buchanan |
| |) | U.S. Bankruptcy Judge |

**MOTION OF THE UNITED STATES
TRUSTEE TO REOPEN CHAPTER 7 CASE**

Now comes Daniel M. McDermott, United States Trustee for Region 9 and, pursuant to 11 U.S.C. § 350 and Rule 5010 of the Federal Rules of Civil Procedure, hereby requests that this Honorable Court reopen the above referenced Chapter 7 case which was closed on August 1, 2012. In support of this Motion, the United States Trustee states as follows:

This case was commenced by the filing of a voluntary petition under Chapter 7 of the Bankruptcy Code on March 28, 2012 and George Leicht was appointed Chapter 7 Trustee.

The Trustee filed a report of no assets on May 8, 2012 and the case was closed on August 1, 2012.

Recently, a potential estate asset was discovered. The information regarding this asset was received in 2017, after the case was closed.

In order to carry out the statutory duties set forth in 11 U.S.C. § 704, the United States Trustee is requesting that the case be reopened so that a Chapter 7 trustee can be appointed to investigate and administer the asset.

MEMORANDUM OF LAW

11 U.S.C. § 350 provides that a case may be reopened to administer assets, to accord relief to the debtor, or for other cause. 11 U.S.C. § 350(b), Federal Rules of Bankruptcy Procedure 5010.

The United States Trustee requests that this Court reopen this case so that a Chapter 7 trustee can be appointed to investigate and administer the newly discovered asset.

Therefore, based upon the above, the United States Trustee requests this Court enter an order re-opening this case pursuant to 11 U.S.C. § 350, and directing the United States Trustee to appoint a Chapter 7 trustee in this case pursuant to Rule 5010 of the Federal Rules of Bankruptcy Procedure.

Respectfully Submitted:

Daniel M. McDermott
United States Trustee
Region 9

by:

/s/ Douglas N. Hawkins
Douglas N. Hawkins (#0038585)
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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Motion to Reopen was served on the following by ordinary U.S. Mail, postage prepaid on May 16, 2017.

George P. Leicht, Esq.
Chapter 7 Trustee
P.O. 400
202 East Plane Street
Bethel, Ohio 45106

Janet Ann McCarthy
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Cincinnati, Ohio 45211

Garretson Resolution Group
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All creditors on the mailing matrix.

/s/ Douglas N. Hawkins
Douglas N. Hawkins
Attorney for the U.S. Trustee